

FISH & GAME FEE FAQs

A. What is a Fish & Game Fee and when does it apply?

A Fish & Game Fee is required by Section 711.4 of the California Fish and Game Code for discretionary projects not exempt under the California Environmental Quality Act (CEQA) that have an “effect,” regardless of the significance, on fish and wildlife. This fee is associated with filing of CEQA Notices of Determination (NOD) for discretionary land use projects. Unless the California Department of Fish & Game signs a [“No Effect” Form](#) for a project, Fish & Game Fees for the subject project will be required before public review.

B. When my NOD is filed, what documentation is acceptable to demonstrate compliance with the new Fish and Game Code?

In summary, commencing January 1, 2007, the State Clearinghouse will not accept or post a NOD filed by any State lead agency unless it is accompanied by one of the following: (1) a receipt with the correct Fish and Game fee payment, (2) a copy of a receipt showing prior payment of Fish and Game Fees or a “De Minimis” finding for the same previously approved project approved prior to January 1, 2007 for projects relying on a previously adopted environmental document pursuant to CEQA §15162 through 15164, or (3) a completed form from the Department of Fish and Game documenting the Department’s determination that the project will have “no effect” on fish and wildlife.

C. What does “No Effect” on fish and wildlife mean?

The Department of Fish & Game has not developed guidelines nor yet prepared draft regulations pertaining to this matter. However, the “no effect” standard is more stringent than the de minimis standard that CEQA Lead Agencies previously applied to projects they determined were exempt from having to pay the Fish & Game Fee. Note that the “no effect” standard is not limited to sensitive fish and wildlife species; it encompasses all fish and wildlife species as well as habitat. It is anticipated that less than 5 percent of projects not exempt from CEQA will qualify for the “no effect” determination. If after consultation with County Staff you feel that your project has “no effect” to fish and wildlife, it is your responsibility to complete and submit to the Department of Fish & Game the [“No Effect” Form](#) for their concurrence.

C. How much are the Fish & Game Fees and the County Administrative fee?

Effective January 1, 2007, the Fish & Game Fees along with the County Administrative Fee have increased.

| <u>Type of CEQA Document</u> | <u>Prior Fees</u> | <u>Fee Effective 1-1-07</u> |
|--------------------------------|-------------------|-----------------------------|
| Negative Declaration | \$1,250 | \$1,800 |
| Mitigated Negative Declaration | \$1,250 | \$1,800 |
| Environmental Impact Report | \$850 | \$2,500 |
| County Administrative Fee | \$25 | *\$50 |

**The County Administrative Fee is collectable for all projects including those exempt from CEQA.*

D. I paid my Fish & Game Fees already, why am I being asked to pay again?

If Fish and Game Fees were paid in association with the same project previously approved prior to January 1, 2007 and the current approval will rely on the previously adopted environmental document for that same project, Fish and Game Fees do not need to be paid again. However, some projects currently being processed by the County have submitted the previous Fish and Game Fee, but the project has not yet been approved. Since NOD’s are not filed until after the project is approved, these projects would need to pay the Fish and Game Fee difference and obtain a new receipt. To pay the difference and obtain a new receipt, bring a copy of your previously paid Fish & Game Fee receipt, a copy of any applicable communication from County staff regarding this matter and cash, certified check or cashier’s check payable to the “County of San Diego” cashier at the DPLU office or directly to the County Clerk.

E. What if my previously approved project had “de minimis” findings for the Fish and Game fees and now I am relying on CEQA 15162 Findings for a current approval for the same project?

Any de minimis exemptions granted by local lead agencies and submitted with an NOD for an approved project prior to January 1, 2007 should be honored and accepted in lieu of the fee or a No Effect form for a current approval of the same project. A good example of this might be approval of a grading permit for a previously approved residential subdivision. For new projects approved after January 1, 2007, any appropriate fee exemption must be authorized by the Department, on an official “No Effect” Form issued by the Department.